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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

APR 04 2007

at 7 o'clock and 30 min. 4 M  
SUE BEITIA, CLERK

See revisions  
made by court

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**LODGED**

MAR 30 2007 3:25 pm

CLERK, U. S. DISTRICT COURT  
DISTRICT OF HAWAII

Attorneys for Plaintiff  
FRED I. WAKI, and all others similarly  
situated

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

FRED I. WAKI, and all others similarly  
situated,

Plaintiff,

vs.

Civil No. EV 07 00178 **SOMBMK**

PLAINTIFF'S EX PARTE MOTION  
FOR LEAVE TO FILE  
COMPLAINT UNDER SEAL;  
MEMORANDUM IN SUPPORT;  
DECLARATION OF RYAN W.

**SEALED**  
BY ORDER OF THE COURT

LG PHILIPS LCD COMPANY, LTD;  
LG PHILIPS LCD AMERICA, INC.;  
LG ELECTRONICS, INC.; ROYAL  
PHILIPS ELECTRONICS NV;  
SAMSUNG ELECTRONICS CO.,  
LTD.; SAMSUNG  
SEMICONDUCTOR, INC.; AU  
OPTRONICS CORPORATION  
AMERICA; CHI MEI  
OPTOELECTRONICS; CHI MEI  
OPTOELECTRONICS USA, INC.;  
SHARP CORPORATION; SHARP  
ELECTRONICS CORPORATION;  
TOSHIBA CORPORATION;  
MATSUSHITA DISPLAY  
TECHNOLOGY CO., LTD.; HITACHI,  
LTD.; HITACHI DISPLAYS, LTD.;  
HITACHI AMERICA, LTD.; HITACHI  
ELECTRONIC DEVICES (USA),  
INC.; SANYO EPSON IMAGING  
DEVICES CORPORATION; NEC  
CORPORATION; NEC LCD  
TECHNOLOGIES, LTD.; IDT  
INTERNATIONAL LTD.;  
INTERNATIONAL DISPLAY  
TECHNOLOGY USA, INC.;  
CHUNGHWA PICTURE TUBES,  
LTD.; and HANNSTAR DISPLAY  
CORPORATION,

Defendants.

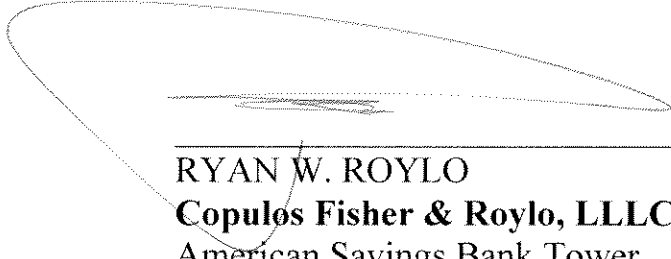
ROYLO; ORDER GRANTING  
PLAINTIFF'S EX PARTE MOTION  
FOR LEAVE TO FILE  
COMPLAINT UNDER SEAL

**PLAINTIFF'S EX PARTE MOTION FOR  
LEAVE TO FILE COMPLAINT UNDER SEAL**

Comes now PlaintiffS FRED I. WAKI, and all others similarly situated, ("Plaintiffs") moves this Court, *ex parte*, for an order granting Plaintiff leave to file the Complaint under seal.

This motion is made pursuant to Rule 7(b), Federal Rules of Civil Procedure, and is based upon the Memorandum in Support of Motion, declaration of Ryan W. Roylo, and the records and files herein.

Dated Honolulu, Hawaii: March 30, 2007.



---

RYAN W. ROYLO  
**Copulos Fisher & Roylo, LLC**  
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1001 Bishop Street  
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Attorneys for Plaintiff

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FOR THE DISTRICT OF HAWAII

FRED I. WAKI, and all others similarly  
situated,

Plaintiff,

vs.

LG PHILIPS LCD COMPANY, LTD;  
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CHUNGHWA PICTURE TUBES,  
LTD.; and HANNSTAR DISPLAY

Civil No. \_\_\_\_\_

MEMORANDUM IN SUPPORT

CORPORATION,

Defendants.

## **MEMORANDUM IN SUPPORT**

### **I. BACKGROUND**

This case arises out of a long-running nationwide conspiracy beginning no later than January 1, 2002 (“Class Period”), among all Defendants and their co-conspirators with the purpose and effect of fixing prices, allocating market shares, eliminating and suppressing competition, constraining supply, limiting capacity, and committing other unlawful practices designed to inflate and stabilize the prices of Thin-Film Transistor Liquid Crystal Displays (TFT-LCDs or panels).

Plaintiff FRED I. WAKI brings this class action lawsuit pursuant to Section 16 of the Clayton Act, 15 U.S.C. § 26, to obtain injunctive relief for violations of Section 1 of the Sherman Act, 15 U.S.C. § 1, on behalf of himself and all others similarly situated “indirect purchasers”, to recover damages under Hawaii state consumer protection and common laws, and to recover the costs of suit, including reasonable attorneys’ fees, for the injuries that Plaintiff and all others similarly situated sustained as a result of Defendants’ violations of those laws including unfair and deceptive acts or practices.

Plaintiff seeks a Court order to allow the filing of the subject complaint under seal pursuant to the requirements of state law for this type of lawsuit.

## II. DISCUSSION

Hawaii Revised Statutes (“HRS”) §480-13.3 provides that class actions brought by private persons may be prosecuted on behalf of indirect purchasers, but requires that the complaint be filed in camera and remain under seal.

(1) A filed copy of the complaint and all relevant supporting and exculpatory materials in possession of the proposed class representative or its counsel shall be served on the attorney general not later than seven days after filing of the complaint. The complaint shall be filed **in camera**, and shall not be served on the defendant until the court so orders. The complaint shall **remain under seal** for at least sixty days after service on upon the attorney general of the complaint...

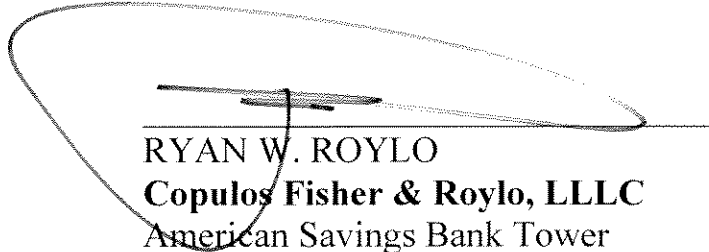
(emphasis added)

In this matter, since the nature of this class action lawsuit falls squarely within the category of lawsuits encompassed by HRS §480-13.3, as a matter of law, Plaintiff’s must file the subject complaint under seal.

### III. CONCLUSION

Based upon the foregoing, Plaintiff respectfully requests that this Ex Parte Motion for Leave to File Complaint Under Seal be granted.

Dated Honolulu, Hawaii: March 30, 2007.

A large, stylized handwritten signature in black ink, appearing to read "RYAN W. ROYLO", is written over a horizontal line.

RYAN W. ROYLO  
**Copulos Fisher & Roylo, LLC**  
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Civil No. \_\_\_\_\_

DECLARATION OF RYAN W.  
ROYLO



CORPORATION,

Defendants.

**DECLARATION OF RYAN W. ROYLO**

I, RYAN W. ROYLO, declare:

1. I am an attorney duly licensed to practice law and appear before the Courts in the State of Hawaii, am an the attorney for Plaintiff in the above-entitled action, am personally familiar with the facts of the case herein, and is competent to testify to the matters set forth herein.

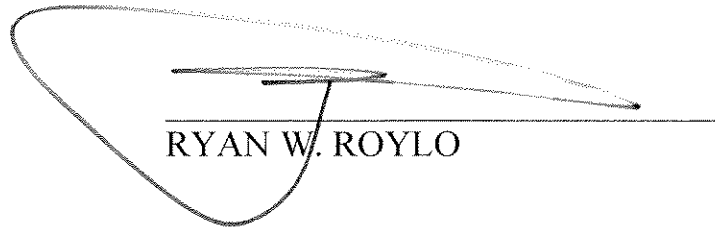
2. This lawsuit is a class action against certain product manufacturers that alleges unfair and deceptive acts or practices on the part of the defendants.

3. It appears that the nature and type of this lawsuit falls under the scope of HRS §480-13.3.

4. Plaintiff requests leave to file the Complaint under seal because it is his understanding that he is required to do so under the law of the State of Hawaii.

I declare under the penalty of perjury under the laws of the State of Hawaii that the foregoing is true and correct to the best of my knowledge and belief.

DATED: Honolulu, Hawaii, March 30, 2007.



RYAN W. ROYLO

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

FRED I. WAKI, and all others similarly  
situated,

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Civil No. \_\_\_\_\_

ORDER GRANTING PLAINTIFF'S  
EX PARTE MOTION FOR LEAVE  
TO FILE COMPLAINT UNDER  
SEAL

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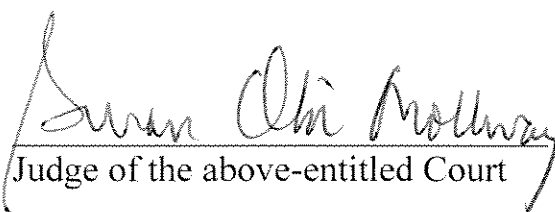
**ORDER GRANTING PLAINTIFF'S EX PARTE  
MOTION FOR LEAVE TO FILE COMPLAINT UNDER SEAL**

Upon review of Plaintiff's Ex Parte Motion for Leave to File  
Complaint Under Seal and the Declaration of Ryan W. Roylo attached hereto, and  
good cause appearing therefore,

IT IS HEREBY ORDERED that Plaintiff's Ex Parte Motion for Leave  
to File Complaint Under Seal is GRANTED.

DATED: Honolulu, Hawaii,

4/3/07

  
Judge of the above-entitled Court

and the Complaint shall be  
sealed for 60 days following  
service upon the State of Hawaii's  
Attorney General. Unless an extension  
is granted, the Complaint shall  
thereafter be unsealed.

See revisions  
made by court